

Employee Discipline

Your Right to Just Cause and Progressive Discipline

In disciplining employees, the Employer must follow the rules of just cause and “progressive discipline.” This means that the Employer must first determine that you have done something that warrants discipline (just cause), and then attempt to correct the behaviour through lesser forms of discipline before progressing to more severe discipline.

In cases of serious misconduct in the workplace, such as violent assault or theft, the Employer may have the right to discharge you from your employment without progressive discipline.

The Discipline Process

Throughout the discipline process, AMAPCEO recommends you contact a trained [Workplace Representative](#) to assist you. You have the right to bring a Workplace Representative to any meeting regarding discipline or that may lead to discipline.

Investigation and Fact-Finding: Your manager will investigate any allegations of misconduct on your part. As part of this stage, your manager will invite you to a meeting regarding your alleged misconduct. You will have the opportunity to provide your account of what happened. Depending on the seriousness of the allegations, there may be more than one fact-finding meeting.

Please note the Employer has the ability to suspend you with pay pending an investigation on allegations of serious misconduct under the Public Services of Ontario Act.

Pre-Disciplinary Stage: At this stage, your manager will inform you of the outcome of their investigation and whether there will be any discipline. In most cases you will have the opportunity to present any mitigating factors that you would like your manager to consider in assessing the discipline to be imposed. Examples of possible mitigating factors include:

- prior discipline received;
- satisfactory work performance;
- length of service;
- if misconduct was premeditated or impulsive;
- demonstration of remorse for the misconduct;
- if any serious harm was done;
- an illness (including addiction) that might have a link to the misconduct; and
- the likelihood of recurrence of the misconduct or the rehabilitative prospect.

Discipline Stage: In this final stage your manager will inform you of the discipline that will be imposed. You should receive this decision in writing, a copy of which will be placed in your personnel file.

Forms of Discipline

Letter of Counsel: Is a communication of the misconduct and the manager's expectations for corrective action moving forward. It should not appear on any personnel file, and is not considered disciplinary. This is typically what you can expect if your manager decides no discipline is warranted.

Letter of Reprimand: Is normally the first level of discipline imposed for most workplace misconduct. It states the nature of the misconduct, and the manager's expectations for corrective action going forward. The Employer will place the letter in your personnel file and may rely upon it later to justify a more severe penalty if further misconduct occurs.

Unpaid Suspension: Is a period of unpaid time out of the office to address either serious forms of misconduct or following a failure to correct past misconduct. The suspension can range from 1 to 20 days, with 20 days being the last level of discipline before discharge. Your manager will also give you a letter indicating that you have been suspended without pay and your manager's expectations or corrective action going forward. The Employer will place the letter in your personnel file and may rely upon it later to justify a more severe penalty if further misconduct occurs.

Discharge: Is the final step in discipline and will only be imposed if the misconduct is so serious as to sever your employment relationship, or when prior attempts at corrective measures have proven unsuccessful and the employee has shown no rehabilitative potential.

Personnel Files and Disciplinary Records

If you are disciplined, the Employer will place a record of its disciplinary action in your personnel file. You have the right to include your own explanation as an attachment to the disciplinary letter. All disciplinary letters and records must be removed from your personnel file after 3 years, provided your record has remained clear of similar offenses.

Disputing Disciplinary Action

If you believe that you have been disciplined without just cause or in a manner inconsistent with progressive discipline, you can work with your Workplace Representative in requesting AMAPCEO file a dispute on your behalf.

Questions and Assistance

If you have any questions regarding discipline, please contact a [Workplace Representative](#). A complete list of Workplace Representatives can be found on the AMAPCEO Website at amapceo.on.ca. Keep in mind that you are not restricted to a Workplace Representative in your particular ministry.